S.B.CIVIL MISC. APPEAL NO.543/1994
(Mst.Pakija & ors. Vs. Jagdish & others)

DATED: 03.11.2006

HON'BLE MR.JUSTICE DINESH MAHESHWARI

Mr.Arun Bhansali for the appellants
Mr.B.S.Bhati for the respondent No.2

This is claimants' appeal seeking enhancement over the amount of compensation awarded by the Motor Accidents Claims Tribunal, Bhilwara in its award dated 06.07.1994 made in Claim Case No.377/1989.

At the outset, learned counsel appearing for the parties candidly submitted that another appeal taken by the owner of the vehicle involved in the accident being S.B.Civil Misc. Appeal No.19/1995 (RSRTC Vs. Pakija & others) against the same award dated 06.07.1994 has already been decided by this Court on 18.10.2002 and therein this Court has found the amount awarded by the Tribunal being neither too low nor too excessive so as to warrant interference in appeal. Learned counsel Mr.Bhati has placed for perusal a certified copy of the order dated 18.10.2002 and, therefrom, it appears that this Court has, after hearing both the parties including the present appellants (claimants), dealt with quantification of compensation admissible in this case in detail before

recording the finding that the amount awarded is neither too low nor too excessive.

The result of said appeal No.19/1995 in judgment dated 18.10.2002 per force covers the subject matter of this appeal and once it has already been ruled in the presence of the claimants that the amount awarded by the Tribunal is not too low, the award warrants no interference in their separate appeal. The claimants are not entitled to any relief contrary to the judgment of this Court (supra).

Accordingly, this appeal is dismissed. No order as to costs.

(DINESH MAHESHWARI),J.

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